



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

May 2, 2007

Deepak Moorjani
City of Beaumont
Department of Public Works
550 East 6th Street
Beaumont, CA 92223

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE PROPOSED OAK VALLEY PARKWAY BRIDGE REPLACEMENT AT NOBLE CREEK, CITY OF BEAUMONT (ACOE REFERENCE NO. NOT AVAILABLE)

Dear Mr. Moorjani:

On July 14, 2005, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted on your behalf by Environmental and Regulatory Specialists, Inc. (EARS), for the proposed Oak Valley Parkway Bridge replacement in the City of Beaumont. Regional Board staff had prepared a draft Certification in November 2005, however, the City of Beaumont discontinued its pursuit for Certification until staff of EARS contacted Regional Board staff in February 2007.

This letter responds to your renewed request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent amendments:

Project Description:

Removal and replacement of the existing Oak Valley Parkway (a.k.a. 14th Street) Bridge at Noble Creek in the City of Beaumont. The proposed bridge construction will span the existing jurisdictional waters and include excavation for a wider flow path resulting in a net increase in waters of the U.S. The new bridge will result in additional traffic capacity for Oak Valley Parkway. No new storm drain outfalls are proposed with the project. The site is located at the boundary of Sections 4 and 33 of Townships 2 and 3 South, Range 1 West of the U.S. Geological Survey *Beaumont, California*, 7.5-minute topographic quadrangle maps (33 deg. 56 min. 49.27 sec. N/116 deg. 59 min. 29.63 sec. W).

Receiving water:

Noble Creek, tributary to San Timoteo Creek.

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Fill area: 0.211 acres of temporary impact to ephemeral drainage (150 linear feet).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 14

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Erosion control storm water best management practices (BMPs), such as straw bales and silt fencing, will be used when appropriate.
- Excavation for the channel will result in an unspecified net creation of waters of the U.S. beneath the new bridge.
- Additional site-specific BMPs will be specified in the site's Storm Water Pollution Prevention Plan (SWPPP).

Offsite Water Quality Standards Mitigation Proposed:

- An in-lieu fee payment will be made to either the East Valley Resource Conservation District or the Riverside-Corona Resource Conservation district equal to 0.211 acres of mitigation credit towards the restoration or enhancement of waters.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2002-0011, commonly known as the Riverside County Municipal Storm Water Permit. Order No. R8-2002-0011 requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, including the preparation of a SWPPP.

The proposed project is subject to Nationwide Permit No. 14 from the U.S. Army Corps of Engineers (Corps) in compliance with Section 404 of the Clean Water Act. Nationwide Permit No. 14 does not require notification to the Corps. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act, the City of Beaumont adopted an addendum to various Environmental Impact Reports (Heartland Specific Plan, Oak Valley Specific Plan, City of Beaumont General Plan Update) on July 18, 2006.

This 401 Certification is contingent upon the execution of the following conditions:

1. The City of Beaumont shall pay an in-lieu fee payment to either the East Valley Resource Conservation District or the Riverside-Corona Resource Conservation District towards the eradication of 0.211 acres of invasive plant species in riparian waters. Evidence of the purchase shall be provided to the Executive Officer no later than June 2, 2007.
2. The evidence of the mitigation purchase, this Certification, and any subsequent amendments shall be maintained on site as a denoted element of any SWPPP.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any



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technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail): U. S. Army Corps of Engineers, Los Angeles Office – Mark Durham
State Water Resources Control Board, OCC – Erik Spiess
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Nancy Dagle
California Department of Fish and Game, Ontario Office – Jeff Brandt
U.S. EPA, Tim Vendlinski, Supervisor of the Wetlands Regulatory Office WTR- 8

APF:401/certifications/oak vly pkwy bridge 332005-43

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